IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15502 OF 2024
IN
FIRST APPEAL NO. 1447 OF 2024

Naziya Riyaz Shaikh and Ors. … Applicants
Versus
United India Insurance Co. Ltd. … Respondent

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Mr. R.S. Alange, Advocate for Applicants.
Mr. K. M. Housurkar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 19th DECEMBER, 2024.

P.C. :

1. By this application, applicant is seeking withdrawal of amount.

2. It is contention of learned counsel for the applicants that deceased was the sole earning member of the applicants' family. Applicants were dependent on the income of deceased. Applicants have no source of income, they need the amount for daily expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the respondent – Insurance Company that cheque which was issued as a premium of insurance policy by the owner of offending vehicle was dishonored hence policy was canceled. But this fact is not considered by the Tribunal and requested to reject the application.

4. I have heard both the learned counsel. The deceased was the sole earning member of the applicants' family. Applicants need the amount for their daily expenses. Applicants have no source of income. The grounds raised by the respondent - Insurance Company can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The applicants are permitted to withdraw the 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed off.

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2024.12.24 11:04:21 +0700

(SHIVKUMAR DIGE, J.)